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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/255,094    02/22/99    ROGGE    T    28944/35376

PM82/1019

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EXAMINER

BURCH, M

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

10/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/255,094

Applicant(s)

ROGGE ET AL.

Examiner

Melody M. Burch

Art Unit

3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of the species of Group I consisting of claims 1-7 in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The method of manufacturing part of the title should be omitted.

3. The disclosure is objected to because of the following informalities:

- The use of claim format and language including but not limited to pgs. 1-3 is used throughout the application and is improper.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 recites the limitation "the second strength element" in line 4 from the bottom of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 58-37337. Japanese Patent 58-37337 discloses an antivibration mount in figures 1 and 2 comprising a first rigid strength member 5, a second rigid strength member 4, 14 an elastomer body 3a, first and second fingers 5b on the first strength member substantially perpendicular to vibration direction and extending outward in opposite directions, first and second folded tabs which are at the ends of element 4 pierced by windows 4b, the two fingers of the first strength member passing through the windows to constitute the limitation means.

Re: claim 2. The limitation of a metal second rigid strength member that is substantially U-shaped with a basis 14 and two lateral wings (at the ends of 4) constituting the tabs is shown in figures 1 and 2. Since the term integral is not necessarily restricted to a one-piece article and is sufficiently broad to embrace constructions united by such means as fastening, welding, etc., the union of the basis 14 and the two lateral wings (at the ends of 4) is integral by definition.

Re: claim 3. The limitation of fingers integral with the first strength member is shown in figures 1 and 2.

Re: claim 4. The limitation of elastomer 13 stops secured to one of the first or second strength members is shown in figures 1 and 2.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 58-37337. Japanese Patent 58-37337 teaches the use of elastomeric stops 13 in figures 1 and 2, but does not disclose the limitation of the elastomeric stops being molded on the tabs of the second strength member oriented towards the first strength member. It would have been obvious to one of ordinary skill in the art to have constructed the movement limitation means of the mount with stops being molded to the perimeter of the window of the tabs of the second strength member instead of the perimeter of the fingers of the first strength member as shown in figures 1 and 2 of Japanese Patent 58-37337 as an alternate means of limiting the movement of the first and second strength members in the axial direction.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 58-37337 in view of Cauvin. Japanese Patent 58-37337 discloses the use of a single threaded pin but does not teach the use of at least one folded tongue. Cauvin teaches in figure 2 the use of folded tongue (ends of 14). It would have been obvious to one of ordinary skill in the art to have constructed the second strength member of

Japanese Patent 58-37337 with at least one folded tongue taught by Cauvin in addition to the single threaded pin extending in a direction opposite that of the first rigid member in order to align and secure the connection of the second strength member to a part of the vehicle such as the motor bracket or the vehicle chassis.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 58-37337 in view of Rau and Knurek et al. Japanese Patent 58-37337 discloses in figures 1 and 2 a mechanical assembly comprising first 4 and second 4, 14 rigid strength members, an elastomer body 3a interconnecting the two members, first and second fingers 5b of the first member substantially perpendicular to the vibration direction extending outward in opposite directions, first and second folded tabs (ends of 4) of the second strength member which are substantially perpendicular to the fingers, tabs pierced by windows 4b, the fingers of the first member passing through the windows constituting the limitation means, but does not disclose the vehicle motor, chassis, and the specific connections to the motor and chassis.

Knurek et al. teach the use of a motor bracket 22 in figure 5, lug (unnumbered) attached to strength member 26 in figure 6, and the assembly of the first and second members of the mount with a vehicle motor and chassis, respectively, in col. 3 lines 12- It would have been obvious to one of ordinary skill in the art to have assembled the mount of Japanese Patent 58-37337 between a vehicle motor and chassis taught by Knurek et al. in order to absorb vibrations that develop between the two elements during idle or travel.

Also, it would have been obvious to one of ordinary skill in the art to have connected the strength member of the mount of Japanese Patent 58-37337 to the motor using the teachings of Knurek et al. in order to provide a stronger connection between the two elements.

It would have been obvious to one of ordinary skill in the art to have constructed the first member of Japanese Patent 58-37337 with at least two lugs as taught by Knurek et al. situated in a parallel arrangement so as to connect two elements together to prevent relative rotation.

Rau teaches the use of a first strength member with a planar basis extending in an oblique direction in figures 1 and 2. It would have been obvious to one of ordinary skill in the art to have constructed the first member of Japanese Patent 58-37337 with a basis that extended in an oblique direction taught by Rau in order to position the mount such that it properly connects to the motor bracket, as modified, and functions without interfering with surrounding elements.

### ***Conclusion***

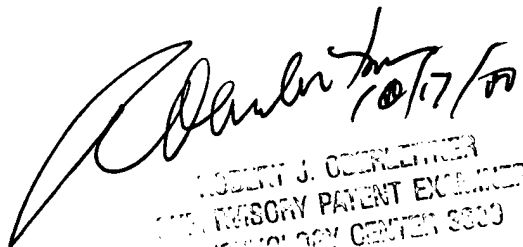
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patents: Poirier, 4930758; Heynemann et al., 4826142; and Nishimura et al., 4270625; as well as Foreign Patents: IT 0476603, FR 0887123, IT 0632046, IT 0497168, DT 2537833, JP 4312233 show similar inventions.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 703-306-4618. The examiner can normally be reached on Monday-Friday (7:30 AM-4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Oberleitner can be reached on 703-308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

14. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

mmb  
October 17, 2000

  
ROBERT J. OBERLEITNER  
PATENT EXAMINER  
TECHNOLOGY CENTER 8800